

REMARKS/ARGUMENTS

This is a Response to the Office Action mailed March 23, 2005, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire June 23, 2005. Twenty-three (23) claims, including two (2) independent claims, were paid for in the application. Claims 1, 3-4, 6-8 and 10 have been amended. No new matter has been added to the application. No fee for additional claims is due by way of this Amendment. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Claims 1-23 are pending.

Priority

In paragraph 1 of the Office Action, the Examiner stated that Applicants have not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. § 120 because an application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence(s) of the specification *or in an application data sheet*. (Emphasis added.) Applicants respectfully draw the Examiner's attention to the application data sheet that was filed with the application on March 15, 2004. Said application data sheet contains properly documented claims for both domestic and foreign priority. 37 CFR 1.76(b)(5) states that providing domestic priority information in the application data sheet "constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and § 1.78(a)(2) or § 1.78(a)(4), and need not otherwise be made part of the specification." Furthermore, 37 CFR 1.76(b)(6) states that providing foreign priority information in the application data sheet "constitutes the claim for priority as required by 35 U.S.C. 119(b) and § 1.55(a)." In view of the priority claims properly submitted on the application data sheet, Applicants respectfully request that the Examiner acknowledge the priority claims in this application.

Rejections Under 35 U.S.C. § 102(b)

Claims 1-3, 10-11, 16 and 18-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Zheng et al.* (U.S. Patent No. 5,418,862) (hereinafter referred to as "*Zheng*"). In

paragraph 3 of the Office Action, the Examiner contends that *Zheng* (col. 3, line 55 – col. 4, line 11; and col. 12, lines 2-23) anticipates independent claim 1. Applicants respectively traverse.

Applicants are amending claim 1 by replacing the phrase “change a resolution of the sensor array” with the phrase “change a resolution of the sensor array in a direction perpendicular to a scanning direction,” and claim 10 by replacing the phrase “the second resolution different from the first resolution” with the phrase “the second resolution different from the first resolution in a direction perpendicular to the first and second sampling passes.”

Zheng discloses a method of scanning the pixel image 200 (Fig. 2) along various horizontal and vertical scan lines to detect potential quiet zones and determine whether the detected potential quiet zones are “false” quiet zones (col. 3 line 55 – col. 4, line 11 and col. 6, line 53 – col. 7, line 23). For example, *Zheng* scans along scan line 264 (Fig. 2) to detect the quiet zones corresponding to state transitions at points 266 and 232 (Fig. 2). *Zheng* then determines whether these quiet zones are “false” quiet zones (col. 6, line 55 – col. 7, line 31). Next, *Zheng* scans along scan line 210 to detect the quiet zones corresponding to transitions at points 206 and 242 (Fig. 2). *Zheng* then determines whether these quiet zones are “false” quiet zones (col. 7, lines 31-40). Next, *Zheng* scans along scan line 270, and determines that the quiet zone corresponding to the state transition at point 224 is not a “false” quiet zone (col. 7, lines 41-54). In other words, *Zheng*’s system determines that a potential quiet zone is not a “false” quiet zone when the system identifies a start/stop character associated with a bar code symbol (e.g., identification of start/stop character at transition point 224) (col. 6, line 65 – col. 7, line 4).

However, Applicants respectfully submit that *Zheng* does not disclose, nor has the Examiner shown, a “scanning control circuit ... operable to **change a resolution** of the sensor array in a **direction perpendicular to a scanning direction**, between at least a first resolution during at least a first sampling pass and a second resolution during at least a second sampling pass,” as recited in claim 1 as amended (emphasis added). In addition, *Zheng* does not disclose, nor has the Examiner shown “a method of ... receiving signals from a first set of the light sensing elements at a first resolution during a first sampling pass ... and receiving signals from a second set of light sensing elements at a second resolution during a second sampling pass across the sensor array ... the second resolution different from the first resolution in a **direction**

perpendicular to the first and second sampling passes,” as recited in amended claim 10 (emphasis added).

Based at least upon the above remarks, Applicants submit that amended claims 1 and 10 are not anticipated by *Zheng*, and request that amended claims 1 and 10 be allowed. In addition, since claims 2-3 depend from claim 1, and claims 11, 16 and 18-23 depend from claim 10, Applicants respectfully submit that claims 1, 11, 16 and 18-23 are not anticipated by *Zheng* for at least the reasons given above in conjunction with claims 1 and 10, and request that claims 1, 11, 16 and 18-23 be allowed.


Objections

Claims 4-9, 12-15 and 17 were objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Since claims 4-9 depend either directly or indirectly from claim 1, and claims 12-15 and 17 depend from claim 10, Applicants respectfully submit that claims 4-9, 12-15 and 17 are not anticipated by *Zheng* for at least the reasons given above in conjunction with claims 1 and 10, and request that claims 4-9, 12-15 and 17 be allowed.

Conclusion

In light of the above amendments and remarks, Applicants respectfully submit that all pending claims are allowable. Applicants, therefore, respectfully request that the Examiner reconsider this application and timely allow all pending claims. Examiner Franklin is encouraged to contact Mr. Grieger by telephone to discuss the above and any other distinctions between the claims and the applied references, if desired. If the Examiner notes any informalities in the claims, she is encouraged to contact Mr. Grieger by telephone to expediently correct such informalities.

Respectfully submitted,
Seed Intellectual Property Law Group PLLC



John C. Grieger
Registration No. 51,755

JG:lmr

Enclosure:
Postcard

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
(206) 622-4900
Fax: (206) 682-6031

603857_1.DOC